

Katherine R. Siegfried, SBN 250558
 Law Office of Katherine Siegfried
 1939 Harrison St, Suite 120
 Oakland, CA 94612
 Ph: 510.465.0018 Fax: 510.217.3979
 Email: kat@siegfriedlegal.com

Attorney for Plaintiff, ROBERT BROWN

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ROBERT BROWN, Plaintiff, v. LELAND DEDUK, ¹ Acting Commissioner of Social Security, Defendant	CIVIL NO. 23-cv-6198-RMI STIPULATION AND PROPOSED ORDER APPROVING SETTLEMENT OF ATTORNEY FEES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT
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IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of TEN THOUSAND AND SEVENTY-THREE DOLLARS (\$10,073). This amount represents compensation for all legal services rendered on behalf of Plaintiff by Plaintiff's counsel, Katherine R. Siegfried (Plaintiff's Attorney), in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d). Plaintiff was the prevailing party in this matter and their net worth is less than two million dollars. See, ECF Doc. 2. After the Court issues an order for EAJA fees to the Plaintiff,

¹ Leland Deduk became the Acting Commissioner of Social Security on February 18, 2025. Pursuant to Rule 25(d) of the F.R.C.P., Leland Deduk should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. section 405(g).

1 the government will consider the matter of the Plaintiff's assignment of EAJA fees to the
2 Plaintiff's Attorney.

3
4 Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this
5 Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31
6 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should, therefore, be awarded to Plaintiff and
7 not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1)
8 determines that Plaintiff has assigned their right to EAJA fees to their attorney; (2) determines
9 that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and
10 (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be
11 made payable to Plaintiff's attorney. However, if there is a debt owed under the Treasury Offset
12 Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act,
13 and the remaining EAJA fees after offset will be paid by a check or electronic fund transfer
14 (EFT) made out to Plaintiff but delivered to Plaintiff's attorney.
15

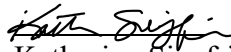
16 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
17 attorney fees and expenses. It does not constitute an admission of liability on the part of
18 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a
19 complete release from, and bar to, all claims that Plaintiff and/or Plaintiff's Attorney, including
20 the Law Office of Katherine Siegfried, may have concerning EAJA attorney fees and expenses in
21 connection with this action. This award is without prejudice to the rights of the Law Office of
22 Katherine Siegfried to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to
23 the savings provisions of the EAJA.
24
25

1 Date: April 4, 2025

KATHERINE SIEGFRIED

Law Office of Katherine Siegfried, Esq.

2
3 By:



Katherine Siegfried

Attorney for the Plaintiff

4
5 Date: April 4, 2025

PATRICK D. ROBBINS

Acting United States Attorney

6
7 By:

/s/ Frederick Fripps (authorized by email)

Frederick Fripps

Special Assistant United States Attorney

Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, EQUAL ACCESS TO JUSTICE (EAJA) ATTORNEY FEES ARE ORDERED IN THE AMOUNT OF \$10,073, SUBJECT TO OFFSET UNDER THE TREASURY OFFSET PROGRAM, AND SHALL BE PAID IN THE MANNER OUTLINED IN THE PARTIES' STIPULATION.

Dated: April 11, 2025



Hon. Robert M. Illman
UNITED STATES MAGISTRATE JUDGE